

Heber City Corporation  
City Council Meeting  
April 2, 2015  
7:03 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on April 2, 2015, in the City Council Chambers in Heber City, Utah

I. Call to Order  
[City Manager Memo](#)

Present: Mayor Alan McDonald  
Council Member Jeffery Bradshaw  
Council Member Erik Rowland  
Council Member Heidi Franco  
Council Member Kelleen Potter

Excused: Council Member Robert Patterson

Also Present: City Manager Mark Anderson  
City Planner Tony Kohler  
City Engineer Bart Mumford  
Chief of Police Dave Booth  
Deputy City Recorder Allison Lutes

Others Present: Tracy Taylor, Brian Balls, Kassadi Hardman, Jacee Lewis, Bill Gaskill, Marcie Harvey, Diana Garfield, Mel McQuarrie, and others whose names were illegible.

II. [Pledge of Allegiance: Council Member Heidi Franco](#)

III. [Prayer/Thought: By Invitation \(Default Council Member Erik Rowland\)](#)

IV. [Minutes for Approval: March 16, 2015 Special Budget Meeting and March 19, 2015 Work and Regular Meetings](#)  
[March 16, 2015 Draft Budget Meeting Minutes](#)  
[March 19, 2015 Draft Work Meeting Minutes](#)  
[March 19, 2015 Draft Regular Meeting Minutes](#)

Council Member Bradshaw moved to approve the minutes of the March 16, 2015 Special Budget Meeting and the March 19, 2015 Work and Regular Meetings. Council Member Potter made the second.

Voting Aye: Council Members Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter. Voting Nay: None. Council Member Robert Patterson was excused.

## V. Open Period for Public Comments

Mayor McDonald opened the meeting for comments from members of the audience who wished to address the Council on matters which were not listed on the agenda. No comments were given.

### 1. Marcie Harvey, Wasatch Chevy's Car Club Presentation

Marcie Harvey, Vice President of Wasatch Chevy's Car Club, and Diana Garfield, Club President, presented the City with a check for \$500 to thank the City for its support over the past 23 years that the car show had been held. She confirmed that the 2015 car show would be held on June 27, and added that the show was always scheduled for the fourth Saturday in June.

### 2. Approve Ordinance 2015-08, an Ordinance Vacating a Portion of The Cove at Valley Hills Subdivision Located on the West Side of Valley Hills Boulevard Ordinance 2015-08

Mayor McDonald stated that the Council engaged the Office of the Property Rights Ombudsman for its comment on this agenda item, and read into the record certain excerpts from the Ombudsman's Advisory Opinion: "Often an open space designation will include a dedication to the public or to an homeowner's association (HOA). In such case, the public or HOA gains an ownership interest in the property, and with it the legal ability to prevent a change. However, no such dedication is indicated for the Open Space Parcel. Coyote Development retained full ownership; it therefore retains the ability to control the destiny of the Parcel, which includes changing the parcel to something different than open space, despite it being so labeled on the Plat. . .the City has no basis to insist that it remain undeveloped. Although the neighboring property owners may enjoy the views and privacy afforded by the undeveloped property behind their homes, that alone is insufficient to guarantee that the parcel will remain in that state indefinitely. Heber City simply does not have sufficient justification to prevent development on the Open Space Parcel. . . Finally, since there is no evidence of a specific agreement or special use, the City has no basis to restrict development. Along the same lines, the neighboring property owners have not demonstrated a special or unique right to restrict development."

Council Member Rowland expressed that he had read the Ombudsman's Advisory Opinion, and had spoken with some of the residents, and he was not prepared to make a decision on this issue.

Council Member Rowland moved to continue this agenda item to a work meeting to allow more discussion regarding some information that might help formulate an amenable solution for all parties involved. Council Member Heidi Franco made the second.

Voting Aye: Council Members, Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter. Voting Nay: None. Council Member Robert Patterson was excused.

The Council agreed that this item would be placed on the May 7 work meeting agenda, due to out of town commitments by Council members.

3. Coyote Development, Approval of The Cove at Valley Hills Phase 1C, Located between 1772 North Valley Hills Boulevard and Callaway Drive, and the Associated Development Agreement  
The Cove at Valley Hills Phase 1-C

Due to the Council's vote on Agenda Item Number 2 above, the Council agreed that this item would be placed on the May 7 work meeting agenda as well.

4. Wasatch County School District, Approve Lot Line Adjustment between Parcels Owned by Wasatch County School District, Located at approximately 601 South Main Street  
Wasatch County School District Lot Line Adjustment

Tony Kohler projected a plat map of the area, and explained that a buyer was purchasing a piece of the old high school property that was not yet its own parcel. The request before the Council was to move current parcel boundaries to make the proposed sale portion a parcel. Council Member Franco inquired whether this issue would come before the Council each time a piece of the school property was sold. Kohler responded that they received an application to subdivide the property at the same time they received the current petition before the Council, so there would be no further requests to adjust boundary lines.

Kohler added that the proposed boundary change would not violate any zoning ordinances, and the lots directly behind the parcel would remain school district property.

Council Member Potter moved to approve the lot line adjustment between parcels owned by Wasatch County School district, located at approximately 601 South Main Street. Council Member Erik Rowland made the second.

Voting Aye: Council Members Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter. Voting Nay: None. Council Member Robert Patterson was excused.

5. Approve Ordinance 2015-09, an Ordinance Vacating a Portion of the Phase 1 and Phase 1P Red Ledges Subdivision Plats  
Ordinance 2015-09

Tony Kohler projected a plat map of the Red Ledges area, and explained that the request proposed eliminating a small open space and integrating it into existing lots. Council Member Rowland asked whether Kohler believed there was anything of concern or of note with regard to agenda items 5, 6, 7, and 8. Kohler responded that items 7 and 8, concerning the combining of lots, were fairly routine requests. Kohler believed the only noteworthy item related to Phase 2H (Agenda Item Number 6), which proposed two flag lots. Kohler, Mumford and Red Ledges met to establish a standard to limit the number of flag lots. Kohler then reviewed the list of requirements established during their meeting with Red Ledges, and added that both he and Mumford were comfortable with the proposed requirements and the proposed two flag lots.

Council Member Erik Rowland moved to approve Agenda Item Numbers 5, 6, 7, and 8, as written and presented in Council packets for approval. Council Member Heidi Franco made the second.

Voting Aye: Council Members Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter. Voting Nay: None. Council Member Robert Patterson was excused.

6. Approve Red Ledges Phase 2H Subdivision, a 17 Lot Subdivision  
[Red Ledges Phase 2H](#)

See Agenda Item Number 5, above.

7. Approve Red Ledges Phase 1 Plat Amendment Combining Lots 168, 169 and 170  
[Red Ledges Phase 1 Plat Amendment re Lots 168, 169 and 170](#)

See Agenda Item Number 5, above.

8. Approve Red Ledges Phase 1 R Plat Amendment Combining Lots 430 and 431  
[Red Ledges Phase 1R Plat Amendment re Lots 430 and 431](#)

See Agenda Item Number 5, above.

9. Approve Wasatch County Cooperative Weed Management Area Memorandum of Understanding  
[Cooperative Weed Management Area Memorandum of Understanding](#)

Council Member Jeffery Bradshaw moved to approve Wasatch County Cooperative Weed Management Area Memorandum of Understanding. Council Member Heidi Franco made the second.

Voting Aye: Council Members Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter. Voting Nay: None. Council Member Robert Patterson was excused.

10. [Closed Meeting to Discuss the Sale of Land and Pending Litigation](#)

At 7:28 p.m., Council Member Rowland moved to enter into a closed meeting to discuss the sale of land and pending litigation. Council Member Bradshaw made the second.

Voting Aye: Council Members Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter. Voting Nay: None. Council Member Robert Patterson was excused.

At 7:57 p.m., the Council returned to the Regular Session and adjourned the meeting.

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Allison Lutes, Deputy City Recorder